

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**BENJAMIN W. FAWLEY,**

**Plaintiff,**

**vs.**

**Civ. No. 19-79 DHU/JFR**

**LEA COUNTY CORRECTIONAL  
FACILITY, et al.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on the Proposed Findings and Recommended Disposition (“PFRD”) by United States Magistrate Judge John F. Robbenhaar, filed January 26, 2024. Doc. 56. As per Fed. R. Civ. P. 72(b)(2), objections were due no later than February 12, 2024. The parties have not filed any objections. The failure to make timely objections to the Magistrate Judge’s PFRD waives appellate review of both factual and legal questions. *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10<sup>th</sup> Cir. 1996).

The Magistrate Judge’s PFRD recommends that Defendant The Geo Group, Inc.’s Motion to Dismiss for Insufficient Process and Insufficiency of Service of Process and Memorandum of Law in Support (Doc. 43) be **GRANTED** and that Plaintiff’s Amended Complaint (Doc. 23) be **DISMISSED**. The Court has conducted its *de novo* review of the case, including a review of the evidence of record, and finds the Magistrate Judge’s proposed findings and recommendations are not clearly erroneous, contrary to law or otherwise an abuse of discretion. The Court therefore will adopt the PFRD.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 56) is adopted.

**IT IS FURTHER ORDERED** that Defendant The Geo Group, Inc.'s Motion to Dismiss for Insufficient Process and Insufficiency of Service of Process and Memorandum of Law in Support (Doc. 43) is **GRANTED**;

**IT IS FURTHER ORDERED** that Plaintiff's First Amended Complaint (Doc. 23) is **DISMISSED**.



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**DAVID H. URIAS**  
United States District Judge